

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 13-50155
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

November 19, 2013

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JESUS CONTRERAS-CANO,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 3:12-CR-2102-1

Before KING, DAVIS, and ELROD, Circuit Judges.

PER CURIAM:*

Jesus Contreras-Cano pleaded guilty, without a plea agreement, to importation and possession with intent to distribute more than 50 kilograms of marijuana, in violation of 21 U.S.C. §§ 841 and 952, and he was sentenced to 30 months of imprisonment and three years of supervised release. Contreras-Cano argues that the district court should have granted him the minor participant adjustment under U.S.S.G. § 3B1.2(b) because he was less

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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culpable than the other participants in the offense. He contends that he was a mere courier hired to drive a truck that others loaded to a place others told him to go.

Contreras-Cano pleaded guilty to importation and possession with intent to distribute more than 50 kilograms of marijuana. Although his role may have been less culpable than others in the broader conspiracy, his role in actually bringing the marijuana across the border was integral to his offenses. As the district court noted, Contreras-Cano was paid to carry loads of marijuana across the border six times, and was paid even more to transport the marijuana deep into the interior of the United States. The district court did not clearly err in finding that Contreras-Cano was not entitled to a minor participant adjustment. *See United States v. Silva-De Hoyos*, 702 F.3d 843, 847 (5th Cir. 2012).

AFFIRMED.